HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:26393 OF 2006

Dated: 2.11.2007

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Between:

The Govt of A.P. rep by its Principal Secretary
High Education Dept, Secretariate, Hyderabad.
..Petitioner

And

1. K.Pandurangarao ..Respondent

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:26393 OF 2006

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioners challenging the order of the tribunal, dated 19.9.2006 in O.A.No.4004 of 2006.

The respondent is the applicant before the Tribunal. He filed the O.A. seeking to declare the action of the respondents in not paying the terminal benefits to him after retirement as illegal and arbitrary and to direct the respondents to pay the terminal benefits including monthly salary payable to him w.e.f. 17.4.1997 to 31.5.2006 after excluding subsistence allowances paid to him. The tribunal having observed that when there is a clear acquittal on merits in criminal case, for the same charges and the same facts, the departmental proceedings cannot be initiated and therefore, the action of the respondents in not reinducting the applicant into service immediately after the acquittal, is arbitrary and as such, the applicant is entitled to be reinducted into service in view of the clear acquittal and since the applicant retired from service, there shall be a direction to the respondents to regularize the period of suspension and also to release the pensionary benefits due to the applicant, allowed the O.A. Having aggrieved by the same, the present writ petition is preferred by the respondents-petitioners.

Heard and perused the entire material available on record.

Before going into the merits of the case, it is pertinent to note that there is no dispute as to the clear acquittal of the applicant in C.C.37 of 1998 on 30.11.2004 under section 248 (1) Cr.P.C. No

such material has also been adduced either before the tribunal or before this Court to show that any such appeal is preferred against the said judgment. If that being the case, there is no other go except to hold that the above criminal judgment has become final as rightly presumed by the tribunal. There is also no dispute that the applicant was allowed to retire on attaining the age of superannuation without prejudice to the rights of the Government to take necessary disciplinary action before or after his retirement in case any lapses are found during his service. In addition to that, there is no such material to show that enquiry, if any is pending against the applicant excluding the criminal proceedings, which ended in acquittal.

In this back ground of the matter and in view of the fact that the applicant has already retired from service, We feel that the tribunal is justified in passing the order impugned. We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date:2nd November, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:26393 OF 2006

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

02/11/2007

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